

REMARKS

1. Claims 1-3, 5, 7-19, 21-31, 33-43 and 45 are pending and stand rejected. This communication amends claim 12.

Reconsideration of this application is respectfully requested.

2. The drawings stand objected to because elements 150a, 150b, 120c, 130c, 140c, 150c, and 160c are not shown in FIG. 2b. In response, submitted herewith for the Examiner's review is a replacement sheet for correcting FIG. 2b. Corrected FIG. 2b now identifies elements designated by reference characters 150a, 150b, 120c, 130c, 140c, 150c, and 160c. No new matter is believed entered by corrected FIG. 2b.

3. Claims 1-3, 5, 7-19, 21-31, 33-43 and 45 remain rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement because the some of the elements in prior art Figure 1 and Figure 3a relating apparently to motion compensation have not been described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Respecting prior art Figure 1, the written description requirement under 35 U.S.C. 112, first paragraph, does not extend to prior art. Since prior art Figure 1 is not the invention, no further description is required for one of ordinary skill in the art to make and use the invention of claims 1-3, 5, 7-19, 21-31, 33-43 and 45.

The Examiner's requirement for a more detailed written description of certain elements of Figure 3a is also without basis, since the function and operation of these common elements are well known in the art and do not require further description. In addition, the Examiner has not provided a shred of evidence showing why one of ordinary skill in the art would not recognize in Applicants' description, the invention defined by claims 1-3, 5, 7-19, 21-31, 33-43 and 45.

Notwithstanding the Examiner's continued refusal to show why one of ordinary skill in the art would not recognize the claimed invention in Applicants' description, the specification has been amended herein to provide further elaboration of the features of prior art Figure 1, and

Figure 3a in order to advance the prosecution of the application. No new matter is believed entered by these amendments to the specification.

Accordingly, withdrawal of the rejection under 35 U.S.C. 112, first paragraph, is respectfully urged.

4. Claims 12 and 13 stand rejected under 35 U.S.C. 112, second paragraph, because the term "said elements" in claim 12 lacks a proper antecedent basis. This rejection is no longer applicable, as claim 12 has been amended to recite "said at least one element." Accordingly, withdrawal of the rejection under 35 U.S.C. 112, second paragraph, is respectfully urged.

5. Claims 1-3, 5, 7-19, 21-31, 33-43 and 45 remain rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,263,022 to Chen *et al.* (Chen).

This rejection is respectfully traversed as Chen fails to expressly or inherently describe the invention recited in the claims, as presently amended. For example, the method of claim 1 requires:

transmitting a first set of criteria for one of said frames; and

transmitting an indicator that causes said first set of criteria to be used for a subsequent one of said frames if a second set of criteria for the subsequent one of said frames is substantially the same as said first set of criteria.

Independent claims 15, 29, 41 and 45 have similar requirements.

As discussed at length in Applicants' previous response filed on December 8, 2004, Chen does not expressly or inherently describe the subject matter required in the claims. Applicants' previous arguments set forth in the December 8, 2004 response regarding Chen, are incorporated herein by reference.

As stated in Applicants' previous arguments, Chen describes an adaptive quantization controller which operates in a number of ways to minimize the amount of overhead needed to send shifting factors at the shifting-unit level. None of these ways involves transmitting an indicator that causes a first set of criteria transmitted for a frame to be used for a subsequent

frame if a second set of criteria for the subsequent frame is substantially the same as the first set of criteria, as claimed.

Specifically, Chen describes a flag that is used at the beginning of each block to indicate if the current bit-plane of the whole block is zero or not. If this flag is 0, then adaptive quantization controller 240 does not send the shifting factor. Thus, the flag in Chen does not cause a first set of criteria transmitted for a frame to be used for a subsequent frame if a second set of criteria for the subsequent frame is substantially the same as the first set of criteria, as claimed.

Chen describes limiting the range of shifting factors (e.g., between 0 and 3), therefore, if fixed-length code is used to send this shifting factor, only 2 bits are needed per shifting unit. Limiting the range of shifting factors has nothing to do with transmitting an indicator that causes a first set of criteria transmitted for a frame to be used for a subsequent frame if a second set of criteria for the subsequent frame is substantially the same as the first set of criteria, as claimed.

Chen describes coding the differentiation signal of the shifting factors, instead of the shifting factors themselves. This has nothing to do with transmitting an indicator that causes a first set of criteria transmitted for a frame to be used for a subsequent frame if a second set of criteria for the subsequent frame is substantially the same as the first set of criteria, as claimed.

Chen describes determining the shifting factors solely as a function of the base layer video and other non-enhancement data related information so that the shifting factors need not to be sent at all. This has nothing to do with transmitting an indicator that causes a first set of criteria transmitted for a frame to be used for a subsequent frame if a second set of criteria for the subsequent frame is substantially the same as the first set of criteria, as claimed.

Chen describes using binary and gray-level alpha images for guiding the location and amount of bit-plane shifting. If the adaptive quantization controller has access to the alpha image of a video object, then adaptive quantization controller can perform shifting only on the pixels within the video object. If the decoder also has access to the alpha image, then the adaptive quantization controller does not need to send the overhead information needed for identifying the pixels that are being bit-plane shifted. Thus, this way of Chen has nothing to do with transmitting an indicator that causes a first set of criteria transmitted for a frame to be used for a subsequent

frame if a second set of criteria for the subsequent frame is substantially the same as the first set of criteria, as claimed.

Consequently, the adaptive quantization controller of Chen does not operate to transmit a first set of criteria for one of the frames and to transmit an indicator that causes the first set of criteria to be used for a subsequent frame if a second set of criteria for the subsequent frame is substantially the same as the first set of criteria, as claimed. Accordingly, withdrawal of the rejection under 35 U.S.C. 102(e) is respectfully requested.

6. Favorable reconsideration of this application is respectfully requested as it is believed that all outstanding issues have been addressed herein and, further, that claims 1-3, 5, 7-19, 21-31, 33-43, and 45 are in condition for allowance, early notification of which is earnestly solicited. Should there be any questions or matters whose resolution may be advanced by a telephone call, the examiner is cordially invited to contact applicants' undersigned attorney at his number listed below.

7. The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR 1.16 and any patent application processing fees under 37 CFR 1.17, which are associated with this communication, or credit any overpayment to Deposit Account No. 50-2061.

Respectfully submitted,



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